## REMARKS

Applicants acknowledge receipt of the Advisory Action dated March 28, 2007. This Advisory Action maintains the final rejection of all claims set forth in the Final Office Action of December 22, 2006. In that final rejection, Claims 1, 4-10, 12, and 15-21 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent Application Publication No. 2005/0154845 filed by Shackelford et al. (Shackelford). The remaining claims were rejected under 35 U.S.C. §103 as being obvious over Shackelford in view of U.S. Patent No. 6,222,558 issued to Berg (Berg). In light of the foregoing amendments and following remarks, Applicants respectfully request the Examiner's reconsideration and reexamination of all pending claims.

Independent Claim 1, as noted above, stands rejected as being anticipated by Shackelford. Independent Claim 1 as amended recites:

> A method comprising:
>
> creating a first storage object, wherein creating the first storage object comprises a computer system creating a first storage object description, wherein the first storage object description comprises data that relates the first storage object to first underlying storage objects or to first physical memory regions;
>
> creating a second storage object as a virtual snapshot copy of the first storage object, wherein creating the second storage object comprises the computer system creating a second storage object description, wherein the second storage object description comprises data identifying the second storage object as a snapshot copy of the first storage object;
>
> adding to the first storage object description data identifying the second storage object as a snapshot copy of the first storage object;
>
> the computer system transmitting the first storage object description to a first computer system, and;
>
> the computer system transmitting the second storage object description to a second computer system.

The Final Office Action and Advisory Action argue that limitations of independent Claim 1 are taught, essentially, in paragraph 34 and Figures 1 and 2 of Shackelford. Paragraph 34 recites:

> In certain embodiments, the replication management application 112 maintains consistency of data updates received from the application system 104, where the data updates are asynchronously copied to the secondary storage control 102 from the primary storage control 100. The replication management application 112 may perform a virtualization of the secondary storage 108 that is coupled to the secondary storage control 102 to maintain the consistency of data across the primary storage control 100 and the secondary storage control 102. In certain embodiments, virtualization includes the mapping of the physical secondary storage 108 to virtual volumes.

The Advisory Action and Final Office Acton equates Claim 1's first storage object description with paragraph 34's "mapping" of the physical storage to virtual volumes; Claim 1's first computer system with the secondary storage control shown within Figure 2 and described within paragraph 34. However, the Final Office Action inconsistantly equates Claim 1's first storage object description with virtual volumes 206 in physical storages 106/108, citing Figures 1 and 2 thereof. *See* Final Office Action, page 4, first paragraph. MPEP §2131 makes clear the requirements for anticipation:

> A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). >"When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in "at least one of two-digit, three-digit, or four-digit" representations, was held

> anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02.< "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Note that, in some circumstances, it is permissible to use multiple references in a 35 U.S.C. 102 rejection. See MPEP § 2131.01.

In addition to showing every element of Claim 1, Shackelford must teach their arrangement as required by the claim. The inconsistencies noted above undercuts the rejection of independent Claim 1 under 35 U.S.C. §102 in that the elements of Shackelford equated with the elements of Claim 1, are not arranged as required by Claim 1. Applicants request the withdrawal of the rejection of independent Claim 1.

Notwithstanding the arguments set forth herein and within the Final Office Action Response dated February 26, 2007, Applicants have amended independent Claim 1 to recite that a computer system creates the first and second storage objects, and the same computer system transmits the first and second storage object descriptions to first and second computer systems, respectively. Applicants assert these limitations, either alone or in combination with the remaining limitations of independent Claim 1, are not taught or fairly suggested in the cited sections of Shackelford. As such, Applicants assert that independent Claim 1 is patentably distinguishable over the cited sections of Shackelford.

Independent Claim 6 has also been amended to recite a computer system transmitting the first and second storage object descriptions to first and second computer systems, respectively.

Applicants assert that this limitation, either alone or in combination with the remaining limitations of independent Claim 1, are not taught or fairly suggested in the cited sections of Shackelford.

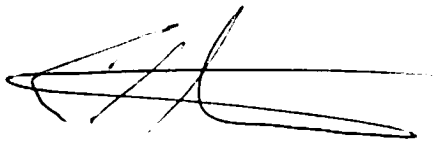
Independent Claims 12 and 17 recite a memory medium comprising instructions executable by a computer system. The computer system implements a method in response to executing these instructions. The method includes the computer system transmitting the first and second storage object descriptions to the first and second computer systems, respectively. Again, Applicants assert that these limitations, either alone or in combination with the remaining limitations of independent Claims 12 and 17, are not taught or fairly suggested in the cited sections of Shackelford.

The remaining claims depend directly or indirectly from independent Claims 1, 6, 12 and 17. Insofar as these independent claims have been shown to be patentably distinguishable over the cited sections of Shackelford, it follows that the remaining claims are likewise patentably distinguishable.

## CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5093.

Respectfully submitted,



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